

And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city, or of the board of health of said city, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended repealed or suspended by the common council or by said board of health, in pursuance of this act. And said common council may make, ordain, and publish such ordinances as may be necessary to carry out the provisions of this act, not inconsistent with the constitution and laws of this state.

When act to take effect.

SEC. 19. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER XXVII.

An Act to incorporate the City of Mankato.

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2. Boundary lines of the City of Mankato.
 3. Divided into three Wards—names of Wards—boundary lines of each Ward.

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 8. Council to elect Street Commissioner—term of office—duties of—to give bond for faithful performance of duties.
 9. Council to elect an Assessor—duties of—term of office.
 10. Rights and powers of the City Justices.
 11. City Justices required to report to Common Council—what report to contain—fees.
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 15. Printing to be given to the lowest bidder—what to be considered sufficient evidence of publication of notices, &c.
 16. Any person refusing to deliver to successor in office all property, books, &c., shall forfeit and pay to the city \$1,000.
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2. When penalty or judgment may be remitted.
 3. In what cases shall warrant be issued—what cases warrant not to be issued.
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5. Qualifications of judge, justice, &c.
6. All ordinances, &c., created by the Board of Trustees, not inconsistent, to remain in force.
7. All moneys and properties in the hands of village officers to inure to said city.
8. How suits may be brought against the city.
9. May purchase and hold real estate.
10. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
11. In what cases not liable for board or jail fees.
12. Street Commissioner to collect poll tax.
13. What to constitute the Town of Mankato.
14. Disposition of moneys in the hands of the County Treasurer made payable to the Village of Mankato.
15. Term of office of elective officers.
16. When Village Government to cease.

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SECTION 1. When first election to be held.

2. When Board of Trustees to designate the place of holding election in each ward.
3. Village Clerk to cause notices to be posted—when.
4. Duties of Judges of Election.
5. When Judges of Election to make corrections in poll lists.
6. To whom returns of election to be made.
7. When and where first meeting of Council.
8. Number of Aldermen to be elected in each ward—term of office.
9. No informality shall in any way invalidate said election.
10. Repeal of inconsistent acts.
11. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

(CITY AND WARD BOUNDARIES.)

SECTION 1. All the district of country in the county of Blue Earth contained within the subdivisions and boundaries hereinafter described, shall be a city by the name of Mankato, and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinafter described, shall be a municipal corporation by the name of the "City of Mankato," and by that name shall sue and be sued, and be impleaded in any court, make and use a common seal, and alter it at pleasure, and take, hold and purchase, lease and convey, any and all such real and per-

Corporate rights

sonal or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The subdivisions of land included in and constituting the city of Mankato shall be as follows, to wit: City boundary. Lot one and the south half of the south east quarter of section six (6); lots one, two, three and four, (1, 2, 3 and 4), and the south west quarter of the south east quarter and the east half of the east half of the south east quarter and the east half (of the) north east quarter of section seven (7), and the south west quarter of the north west quarter and the west half of the south west quarter of section eight (8), and the west half of the north west quarter of section seventeen (17), and the north east quarter and the north west quarter and the west half of the south west quarter and the north east quarter of the south west quarter and the north half of the south east quarter of section eighteen (18), all in township one hundred and eight (108) north, of range twenty-six (26) west; and lots three (3), four (4), and five (5), and the south half of the north west quarter and the south half of the north east quarter and the south west quarter and the south east quarter of section thirteen (13), and lots eleven (11), twelve (12), and thirteen (13), of section fourteen (14), in township one hundred and eight (108) north, of range twenty-seven (27) west, in the county of Blue Earth and State of Minnesota.

Names of wards
—boundaries. **SEC. 3.** The said city shall be divided into three wards to be called first, second and third, limited, bounded and described as follows, to wit: All that part of the city of Mankato as now platted into lots and blocks which lies between Cherry and Washington streets, as designated in the recorded plat made by E. D. Bruner, and including Branson's addition to Mankato, and the west half of the south west quarter of section seventeen (17), the east half of the north east quarter and the north half of the south east quarter of section eighteen (18), in township one hundred and eight (108) north, of range twenty-six (26) west, shall constitute the first ward. All that part of said city as now platted into lots and blocks which lies north easterly of Washington street, as laid down on said Bru-

ner's plat, and including lot one and the south half of the south east quarter of section six (6), lot four and the east half of the south east quarter and the east half of the north east quarter of section seven (7), and the south west quarter of the north west quarter and the west half of the south west quarter of section eight (8), in township one hundred and eight (108) north, of range twenty-six (26), west, shall constitute the second ward. All of the territory of said city not included in the first and second wards shall constitute the third ward. So far as the wards are limited and bounded upon streets the dividing line between them shall be the centre of the streets in which they are so bounded. The boundaries of the above wards may be altered or changed and new wards established, by a vote of the common council, whenever it may be deemed necessary or proper.

CHAPTER II.

(ELECTIVE OFFICERS AND ELECTIONS.)

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday of April of each year, except in the year one thousand eight hundred and sixty-eight, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding said election and of the officers to be elected. In the year one thousand eight hundred and sixty-eight said election shall be held on the fourth Tuesday in March.

Annual election when held—manner of holding the election.

SEC 2. The elective officers of said city shall be a mayor, treasurer, recorder and two justices of the peace for the city, who shall be styled the city justices, all of which said officers shall be residents within and qualified voters of said city; each ward shall elect three aldermen, who shall be residents within, and qualified voters of the ward for which they may be elected; all other officers necessary for the proper management of the affairs of the city, shall be appointed by the common council unless otherwise provided. At every annual election after the first election of officers and the organization of the city government, there shall be elected for each ward one alderman who shall hold his office for three years. The city justices shall

Elective officers—term of office.

hold their offices two years, and until their successors shall be elected and qualified. All other elective officers shall hold their respective offices for one year, and until (their) successors are elected and qualified.

Officers can be removed—how.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defence. The common council shall fix a time and place for the trial of such officer, of which not less than ten days notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

Vacancies how filled.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections shall be by ballot—in case of a tie how decided.

SEC. 5. All elections by the people shall (be) by ballots, and each ballot shall contain the names of the persons voted for with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or coun-

ty officers, and who reside in the ward where they offer to vote shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, provided their name shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of the election of state and county officers; and the different wards established by law shall constitute election districts for state and county as well as city elections and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county of Blue Earth within the time and manner prescribed by law.

Qualifications of electors.

SEC. 7. The elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers, and shall take the usual oaths or affirmations as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such elections, and, to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties as provided for state and county elections, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; *Provided*, That no alderman shall be a judge of an election at which he is a candidate for any office. In such case, the office of judge of election shall be considered vacant, and filled as provided by law.

Judges of election—election how conducted.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the common council, within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected, of their election by written notice served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

To make return to Clerk of Council.

SEC. 9. Special elections to fill vacancies, or for any

Special elections
how conducted.

other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

When office
deemed vacant.

SEC. 10. Any officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

When term of
office to begin.

SEC. 11. The term of every officer elected under this law shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

When Council
may order new
election.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten day's notice of the time and place being given.

CHAPTER III.

(OFFICERS—THEIR POWERS AND DUTIES.)

Officers to take
oath and give
bonds.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city recorder, and the treasurer, street commissioner, recorder and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Mankato a bond, with at least two sureties satisfactory to the common council; and such bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time

to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman, appointed by the mayor as aforesaid may be discharged from office by him whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto, by depositing with the recorder to be presented to the common council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the common council shall pass the same by a vote of two-thirds of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the recorder. If an ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Duties of Mayor.
or.

SEC. 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. The mayor and president and

Council to elect
presiding officer
—his duties.

vice-president of the common council shall have the right to administer oaths and affirmations.

SEC. 4. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to attend. Copies of all papers filed in office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations. It shall be the duty of the city recorder to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually on or about the first day of April to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of April. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the common council or by any city officer. And every contract made in behalf of the city, or to which (the city) is a party, shall be void unless signed by the recorder. The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates, or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding, to countersign all bonds, orders or other

evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first day of January of any year, the amount expended, or to be expended chargeable to any city fund, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund; he shall report at once the same to the common council, and he shall not countersign any contract chargeable to such fund until the amount or taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable. The recorder shall examine all the reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party,

Duties of City
Recorder.

or in which the city is interested; and any contract in which he may be interested shall be null and void.

Council to elect
City Attorney—
his duties.

SEC. 5. The common council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required, shall furnish opinions upon any subject submitted to him by the common council or its committees.

Duties of City
Treasurer.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk, and a copy of the same published in one or more of the city newspapers. He shall also report to the common council at such times and in such manner as they may require.

How Chief of
Police appointed
his duties.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police of said city shall possess the powers of constables at common law, or by the laws of this state; and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and also all writs and process whatsoever, issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of this state; and when performing the duties of constables aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or of any violation of the laws of this state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

SEC. 8. The common council shall, at their first meeting after the annual election, or an adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one year, and until his successor is elected and

qualified. It shall be the duty of the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges, and public grounds, of the city; and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

Council to elect
Street Commissioner—term of
office—duties of
—to give bonds.

SEC. 9. The common council shall, in the month of April in each year elect an assessor, who shall be styled the city assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying of all city, county and state taxes. And upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

Council to elect
Assessor—duties of—term of
office.

SEC. 10. The justices of the peace for the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace of the county of Blue Earth under the laws of this state, and shall have in addition thereto, jurisdiction to hear and try all complaints for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under, or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same. And the said city justices shall have jurisdiction in cases of larceny, and may hear and try the same where the amount claimed to have been stolen, does not exceed the sum of twenty-five dollars. In all prosecutions for assaults, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had in civil and criminal actions, by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city just-

Rights and powers of City Justices.

ices shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fines or penalty imposed to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power and authority in case of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

To make report
—what to con-
tain—fees.

SEC. 11. The city justices shall, as often as the common council may require, report to the common council all the proceedings instituted before them, in which the city is interested, and shall at the same time account for and pay over to the city treasurer, all fines and penalties collected or received by them belonging to said city; and said justices shall be entitled to receive from the county of Blue Earth such fees in criminal cases, as are allowed by statute to justices of the peace for similar services.

When to be in
attendance at
their office.

SEC. 12. Said justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process issued by them at all times in court or otherwise.

Tax authorized
to be imposed—
for what pur-
pose.

SEC. 13. In all suits brought on behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said city, and on complaints for assault, battery or affray, or other misdemeanor, or criminal offense, not indictable, committed within said city, the said justices shall be authorized to tax, with the other legal costs, one dollar for each trial for the benefit of said city and their residence in said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace: *Provided*, That said

fee of one dollar shall not be collected from the county of Blue Earth, or city of Mankato.

SEC. 14. The common council, at their first meeting in each year, or as soon thereafter as may be, shall elect a city surveyor, who shall be a practicable surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties, and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons interested; and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, or the common council.

Council to elect
City Surveyor
—his duties—
compensation.

SEC. 15. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice, of not less than one week, in such manner as the council may direct, that sealed bids shall be received by the recorder of the common council for doing said printing. The bid or bids received by the clerk to do said printing shall be publicly opened and read by the recorder, at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper published in said city, and shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws, and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution: *Provided*, That if no person will publish, or offer to publish in any newspaper published in said city, such ordinances or other matters as the common council may require to be published, at a rate not exceeding that

Printing given
to lowest bidder
—what to be evi-
dence of publi-
cation, &c.

now prescribed by statute for legal advertisements or notices, the common council may make such other provision for publishing its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 16. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one thousand dollars besides all damages caused by his neglect or his refusal so to deliver, and said successor, may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Further powers of Council.

SEC. 17. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers, as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for, but no officer elected or appointed by the common council, or appointed by the mayor as hereinbefore provided shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three month from the first organization and meeting of the common council; and the compensation so fixed shall not be changed previous to the annual city election in eighteen hundred and sixty-nine; and after the present year, the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That the mayor and

alderman shall receive no compensation for their services as such officers.

SEC. 18. The mayor or acting mayor, sheriff of the county of Blue Earth or his deputy or deputies, coroner, and each alderman, the city justices, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the by-standers; and, if need be, of all the citizens and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Who deemed to be officers of the peace.

CHAPTER IV.

(THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.)

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Mankato do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances—when and where Council to meet—quorum.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualifications of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

To hold stated meetings—Mayor to call special meetings—who to judge of the qualifications.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intem-

Council to control finances—further powers.

perance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, That until otherwise ordered by the common council the county jail of Blue Earth county shall be used as a city prison, and it shall be the duty of the sheriff or jailor of Blue Earth county, to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws—

Powers of the
Council.

First—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, to license tavern keepers and victualing house keepers and all persons dealing in spirituous, vinous or fermented liquors; *Provided*, That all licence for so dealing in spirituous, vinous or fermented liquors shall not be less than twenty-five dollars a year, and no licence shall be granted for a less term than one year, and all licences shall commence and terminate on the first day of May of each year.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from sending, giving or dealing in spirituous, vinous or fermented liquors unless duly licensed by the common council.

Third—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

Fourth—To compel the owner or owners of any cellar,

tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth—To direct the location and management of slaughter houses and markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth—To prevent the encumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings or any other material or substance whatever.

Seventh—To prevent and punish immoderate driving or riding in the streets, to regulate (the speed of) cars and locomotives in said city, and to prevent their obstructing the streets of said city, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

Powers of the
Council.

Eighth—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, in a summary manner, when at large contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substances, or any putrid or unsound meat, flesh or fish, or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

Eleventh—To establish and construct public pounds, pumps, wells, cisterns, reservoirs, and hydrants; to erect lamps and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, after and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits.

Thirteenth—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth—To prevent all persons riding or driving any horse, mule, or ox or other animal on the sidewalks in said city, or in any [way] doing any damage to said sidewalks.

Fifteenth—To prevent the discharging of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the common council dangerous to the city, or any property therein, or annoying to any of the citizens thereof.

Sixteenth—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth—To restrain and regulate parties, runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

Eighteenth—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twentieth—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

Twenty-second—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Twenty-third—To regulate the time, manner and place of holding public auctions and vendues.

Twenty-fourth—To provide for watchmen, and to prescribe their number and duties and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-fifth—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer; and to provide for the punishment of the use of false weights and measures.

Twenty-sixth—To regulate the inspection of flour, pork, beef, fish, salt, whisky, and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

Powers of the
Council.

Twenty-seventh—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

Twenty-eighth—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Twenty-ninth—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds, and highways of the city.

Thirtieth—To do all acts and make all regulations which may be necessary and expedient for the preservation of health, or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city and to make quarantine laws and enforce the same within the city.

Thirty-first—To restrain and punish vagrants, mendicants, street beggars and provide for the punishment of the same.

Thirty-second—Fines, penalties and punishments, imposed by the common council for the breach of any ordinance, by-law, or regulation of said city, may extend to a fine not exceeding one hundred dollars, and imprison-

ment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

How ordinances
passed—when
used as evidence

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper, before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the city recorder in books provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the council present in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

Council to audit
accounts—pen-
alty for violating
this act.

SEC. 6. The common council shall examine, audit, and adjust the accounts of the recorder, treasurer, street commissioners, city justice, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the terms for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council, in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to the council, or a committee thereof, it shall be duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement and adjustment.

SEC. 7. The common council may, during their fiscal

year, by a vote of two-thirds of those present and voting, issue the bonds of said city, bearing interest not exceeding ten per cent. per annum, and for a time not exceeding one year, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year: *Provided*, That the amount of such bonds outstanding shall not at any one time exceed one-third of such taxes and revenues: *And provided*, That said bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may have been issued.

Authorized to
issue bonds—
rate of interest

CHAPTER V.

SECTION 1. The common council shall have power to levy upon all the taxable property of said city taxes to provide for the current expenses of the city government and police, for the opening, maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character: *Provided*, That such taxes shall in no year exceed two mills upon a dollar of the assessed valuation.

To levy a tax for
current expenses

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing, maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purposes conducive to good order and cleanliness, and to protection against crime, disease and fire: *Provided*, That such taxes shall, in no year, exceed two mills upon a dollar of the assessed valuation; *And provided further*, That for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or wards benefited by such improvements, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements. No debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding

To levy ward
tax—disposition
of proceeds.

the amount of tax collected or assessed and in process of collection.

To levy annual tax--for what purpose.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy annually, upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year unless that previously to the first day of September in each year, some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act; *Provided*, The same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The time place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized.

How taxes to be levied.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due; if it be for improvements, it shall be kept and used for future improvements of the same character.

When to transmit statement of taxes.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Blue Earth (county,) on or before the first day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected, and the payment thereof enforced, with and in like manner as state and county taxes are paid and the payment thereof enforced; and the county treasurer of said Blue Earth county shall pay such taxes over as fast as collected, to the treasurer of said city.

How orders can be drawn upon the Treasury.

SEC. 6. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they

were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer; it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate. When orders can be cancelled

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city; *Provided*, That said tax shall not in any one year exceed the sum of two dollars on each person. To levy poll tax

CHAPTER VI.

STREETS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. The common council of said city shall have the care, supervision and control of all the highways, bridges, streets, alleys, levees, public squares and grounds within the limits of the city, and shall have power to build and keep in repair bridges, lay out open, alter and vacate public squares, highways, streets, lanes and alleys, and widen or straighten the same, and to take grounds for the site of public buildings, subject to the assessment of damages as hereinafter provided. *Provided*, That no right, title or interest in or to any street, levee, park, public ground, or square in said city shall be granted, conveyed, released, or discharged by the common council of said city unless the same shall be submitted to a vote of the legal voters of said city and receive a majority of said voters present and voting at an annual or special election in said city and in which election notice of the object of said election, shall be given as hereinbefore prescribed, and all rights and benefits which have accrued or now exist in behalf of the village of Mankato, including rights in actions now pending, shall (inure) to and be vested in the said city of Mankato. Council to control highways.

SEC. 2. The common council shall have power to order and contract for the opening, grading, repairing and cleansing of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and To contract for opening and grading streets, &c.

to direct and control the persons employed thereon; and all such improvements shall be superintended by the street commissioner.

How to proceed
when necessary
to take private
property.

SEC. 3. Whenever it shall be necessary to take private property for the purposes contemplated in the two last sections, application shall be made on the part of the common council to the judge of the district court for Blue Earth county, who shall appoint three commissioners, who shall be freeholders and qualified electors of the city, and one of whom at least shall be resident of the ward in which is situated the property proposed to be taken, to view the premises, and assess the damages which may be occasioned by the taking of such property. Said commissioners shall be notified, as soon as practicable, by the city recorder to attend at his office on a day fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay to the city a fine not exceeding fifty dollars, and may be prosecuted therefor before the city justice, as in the case of fines imposed for the violation of any city ordinance, by-law or regulation; and the commissioners in attendance shall be authorized to fill all vacancies by the selection of a proper person or persons, or application may be made to the district judge aforesaid, to fill the vacancy. The commissioners shall be sworn by the city recorder, or any other officer authorized to administer oaths, to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council, which said oath shall be reduced to writing and subscribed by said commissioners, and which, together with the appointment of said commissioners, (which shall also be in writing) shall be filed with the city recorder. The said commissioner shall, with all reasonable dispatch, with the assistance of the city surveyor, cause a survey and plat of the said improvements or grounds to be made and filed with the city recorder, exhibiting as far as practicable the land or parcels of property proposed to be taken, or which may be damaged thereby, and shall thereupon fix a time and place when they will meet to assess the damages for the property to be taken, or that may be damaged by the proposed improvement. Such time shall be sufficient to give personal notice to the owners or their agents of the property to be taken or injured; the recorder of the com-

mon council shall thereupon immediately cause a notice in writing of the time, place and purpose of the meeting of the commissioners, to be served on each of the owners (or their agents) of said property, and proof of service shall be made and filed with the report of the commissioners. In case any of such owners are non-residents of the state, such notice shall be mailed to them at their residence, and if their residence is unknown, and cannot be ascertained upon diligent inquiry, such fact must appear by affidavit, and in such case notice shall be given by publication in the city paper for the space of four weeks, said notice to be published at least once in a week. If any such owners are infants, a guardian must be appointed before the damages are assessed, and notice given to the guardian. And the like notice shall be served upon lessees, mortgages and judgment creditors. At the time and place designated in such notice the commissioners shall proceed to view the premises; may hear any evidence offered by the parties interested, and adjourn from day to day for said purpose. When their said hearing aforesaid shall be concluded, they shall determine and assess the damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, and such other damages as may be incidental thereto, and also the advantages which shall accrue to such owner or owners, in making such improvement. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall, in each case, determine the amount of damages which should be paid to the owner or owners thereof, in case such building or as much thereof as might be necessary, should be taken, and also determine and assess the amount of damages to be paid to such owner or owners, in case he or they should elect to remove such building, and the damages in relation to buildings shall be assessed separately from the damages in relation to land upon which (they) are erected. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage, judgment or other lien, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the commissioners less the benefit resulting to them from the improvements. Said commissioners, having ascertained and assessed the damages as

How to proceed
when necessary
to take private
property.

aforesaid, shall make and file with the city clerk a written report to the common council of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceedings. Upon such report being filed in the office of the city recorder, said city shall cause to be published in the official paper of said city a notice to the effect that said assessment had been returned and filed, and that the same will be confirmed by the common council, at a meeting then to be named in said notice, and shall be at least ten days after the publication thereof, unless objections are made in writing by persons interested in any lands required to be taken. Any persons interested in buildings, in whole or in part, upon land to be taken, shall, on or before [the] time specified in said notice, notify the common council, in writing, of their election to remove said buildings (if they so elect) according to the award of the commissioners. The common council upon the day fixed for the consideration of said report, or at any subsequent meeting to be held, the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the assessment and to discontinue or postpone indefinitely the whole proceedings giving due consideration to the claims and objections interposed by the parties interested. The damages assessed shall be paid, or tendered or deposited, and set apart in the city treasury, to and for the use of the parties entitled thereto, within one year from the confirmation of said assessment and report, and the land required to be taken shall not be appropriated or used by the public until the damages assessed therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of Blue Earth county, in the same manner as moneys are paid into court, until claimants and parties shall substantiate their claims thereto. In case the owner or owners of any building as aforesaid shall have elected in the manner aforesaid to remove his or their buildings, he or they shall so remove the same within thirty days from the confirmation of such report, or within such further time as the com-

How to proceed
when necessary
to take private
property.

mon council may allow for such purpose, and shall thereupon be entitled to payment from the city of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after such election) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for taking in manner aforesaid, may then be taken and appropriated, sold or disposed of, in such manner as the common council shall direct, and the same or the proceeds thereof shall belong to the city. When any known owner of lands or tenements, affected by the proceedings under this act, shall be an infant, or labor under any legal disability, the judge of the district court, or court commissioner for said county of Blue Earth, may upon the application of the aforesaid commissioners, or of the mayor of the city, or of the party laboring under such disability, or his next friend, appoint suitable person as guardian for said person, which guardian shall stand in all respects for and in the place of the party whom he represents in the proceedings. Any person feeling aggrieved by such assessments, may, by notice in writing served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court, in said Blue Earth county, within twenty days after the confirmation of such report or assessment of damages, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court, or jury, or both, as in ordinary cases; but no pleading shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those so specified considered; and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated; and that said assessment was regular and just and made in conformity to law, and that all proper notices were given, and proper proceedings had. The judgment of the district court thereon shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in other respects as appeals from justices of the peace in civil actions. And the property shall not be taken until said appeal is heard and determined.

How to proceed
when necessary
to take private
property.

CHAPTER VII.

FIRE DEPARTMENT.

Council to pre-
scribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials, as, in the judgment of the common council, shall (not) be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars, which may be imposed by a city justice, upon the complaint of any citizen.

To prevent dan-
gerous erection
of chimneys, &c.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe or secure condition, when considered dangerous. To prevent the deposit of ashes in unsafe places, and the throwing of ashes into the streets and alleys. To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying

on of manufactures dangerous in causing or promoting fires. To regulate and prevent the use of fire arms and fireworks. To compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership.

To purchase fire engines and other apparatus—exemptions.

SEC. 4. The common council shall have power to appoint the chief engineer and two assistant engineers of the fire department, and also one fire warden in each ward, and to prescribe the duties of such officers.

To appoint Chief and Assistant Engineers.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or aldermen, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable; police officer, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement, of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the common council may prescribe, not exceeding a fine of fifty dollars.

Penalty for refusing to obey orders at a fire.

STREET GRADES AND SIDEWALKS.

SECTION 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

Grade of streets,
&c., to be estab-
lished by Council

SEC 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city of Mankato, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalk to construct or repair the same at his or their own proper expense and charge, within a certain time designated by the publication in the official paper of said city, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Duty of Street
Commissioner.

SEC. 3. If such work is not done and the said sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Expense of con-
structing side-
walks, how paid

SEC. 4. If said assessment be not paid to the street commissioner or the city treasurer on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted with the city taxes levied for that year to the auditor of the county of Blue Earth, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced, with and in like manner as city, county and state taxes are collected and payment thereof enforced.

Non-payment of
taxes on improv-
ed property how
collected.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

To prescribe width of sidewalk and material used.

CHAPTER IX.

LIGHTING OF STREETS—SUPPLY OF WATER.

SECTION 1. The common council shall have authority to contract with any person, persons or corporation for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

To contract for lighting streets.

SEC. 2. The common council may permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

To authorize the laying of gas pipes.

SEC. 3. The common council may permit any party or corporation to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city, and shall regulate the position of the same, so that they shall not obstruct or interfere with common sewers or with the proper drainage of the city.

To permit any corporation to lay water pipes.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of alderman as were present when the vote was taken.

When vote of Council may be rescinded.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds of the aldermen elect.

When penalty or judgment can be remitted.

When warrants shall be issued—when not issued.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city of Mankato, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs by the city justice for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

Punishment for non-payment of fines.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Mankato, as punishment for any offence, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Blue Earth county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Blue Earth.

Qualifications of judge, justices, &c.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances, &c., not inconsistent to remain in force.

SEC. 6. All ordinances and regulations heretofore made by the board of trustees of the village of Mankato, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council of said city, after this act shall have gone into effect.

Moneys to inure to said city.

SEC. 7. Any and all moneys, fines and properties in the hands of any officer of the village of Mankato, or belonging to said village shall inure to the city of Mankato.

How suits may be brought against the city.

SEC. 8. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer, by leaving a copy of such process with

the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 9. The said city may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

May purchase and hold real estate.

SEC. 10. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

No law considered as repealing or modifying this act unless expressly set forth.

SEC. 11. The city of Mankato shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city, to the jail of Blue Earth county, under state laws.

When liable for board or jail fees

SEC. 12. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

Who to collect poll tax.

SEC. 13. All that part of the town of Mankato, not included within the limits of the city of Mankato, shall constitute and be organized as a town by the name of Mankato, and may, in the manner provided by statute in such case, organize by the choice of town officers, on the first Tuesday of April A. D. one thousand eight hundred and sixty-eight. The town supervisors and other officers of the present town of Mankato, shall continue to hold their offices in the proposed town of Mankato until other officers are elected and qualified.

What to constitute the town of Mankato.

SEC. 14. All moneys in the hands of the treasurer of the village of Mankato, all taxes levied and uncollected, or in the hands of the county treasurer of Blue Earth county, which are or may be payable to the village of Mankato, shall be paid by the treasurer of the city of Mankato, and the city of Mankato shall be liable for and pay all the debts and liabilities of the village of Mankato; and all the property, real, personal and mixed, of every kind and description, of the village of Mankato, shall become and be the property of the city of Mankato. The treasurer of the village of Mankato, shall deliver all the books, papers, vouchers, documents and evidences of debts or claims due said village which may be in his possession, or under his

Disposition of certain moneys.

control as treasurer. to the treasurer of the city of Mankato. The village clerk of the village of Mankato shall deliver to the city recorder of the city of Mankato, all books, documents, papers and other property belonging to the village of Mankato, and in his possession or under his control. And all other property, books, papers, documents, maps, plats, profiles, surveys [and] reports relating to the affairs of said village, and in possession of any officer of said village, or of any other person, shall be delivered to said city recorder to be deposited in the proper department of the government of said city.

Term of office of
elective officers.

SEC. 15. All elective officers elected at the first city election, on the fourth Tuesday of March, A. D. one thousand eight hundred and sixty-eight, for the designated term of one year, shall hold their offices respectively until the first Tuesday of April, A. D. one thousand eight hundred and sixty-nine, and until their successors are elected and qualified. All elective officers elected at said first city election for the designated term of three years, shall hold their offices respectively until the second Tuesday of April, A. D. one thousand eight hundred and seventy-one, and until their successors are elected and qualified.

When village
government to
cease.

SEC. 16. From the time of the passage of this act, and until the organization of the city government, all village officers in said village of Mankato, shall continue to act and perform the duties of their respective offices, and their authority and jurisdiction be in no wise impaired, until the said day of organization, when the same shall cease in all that part of the town included within the city of Mankato, except such officers as hold their offices under or by virtue of some provision of the constitution.

CHAPTER XI.

When first elec-
tion to be held.

SEC. 1. The first election under this act shall be held on the fourth Tuesday in March, one thousand eight hundred and sixty-eight.

When trustees
to select place of
election in each
ward.

SEC. 2. On or before the second Tuesday of March, A. D. eighteen hundred and sixty-eight, the board of trustees of the village of Mankato shall designate a place in each ward for the holding of an election, and shall appoint three legal voters in each ward as judges of election in their respective wards, and said judges shall appoint in their respective wards two legal voters as clerks of election before the opening of the polls.

SEC. 3. The village clerk of the village of Mankato, shall within four days after said second Tuesday in March, A. D. eighteen hundred and sixty-eight, cause notices of the time and place of holding said first election in the several wards to be posted in at least two public places in each ward. Said notices shall have the names of the judges of election in their respective wards and the time when, and the places where, the said judges will be in session for the preparation and revision of the voting lists of each ward.

Village clerk to post notices—when.

SEC. 4. It shall be the duty of the said judges of election, immediately upon their appointment, to prepare lists of the qualified voters in their respective wards, to be used at said first election, and copies of said lists of voters shall be posted up in not less than three places in each ward for at least six days before said first election.

Duties of Judges of Election.

SEC. 5. It shall be the duty of said judges of each of said wards, on the Saturday next preceding said election, and if necessary, also on the Monday next preceding said election, from the hour of nine o'clock in the forenoon till four o'clock in the afternoon, and for two hours next preceding the opening of the polls on the day of election, to be present, and at the place appointed for holding such elections, for the purpose of making all necessary corrections of such list. In all other respects said first city election shall be governed by the rules prescribed in this chapter, except that the returns of the first election shall be made to the village clerk of the village of Mankato, within twenty-four hours after the closing of the polls.

When poll lists can be corrected

SEC. 6. On the Thursday following said election, the board of trustees of the village of Mankato, shall canvass the returns, and make and file with the town clerk a statement announcing who appears to be elected, and the town clerk shall immediately notify the mayor and aldermen of their election.

To whom returns to be made

SEC. 7. The aldermen elect shall hold their first meeting at the office of the village clerk of the village of Mankato, or at some other place designated by said village clerk, on the Tuesday next after said election, when they shall qualify and proceed to organize the common council. The clerk of the village of Mankato shall act as city recorder, until the city recorder is qualified.

When and where first meeting of Council.

SEC. 8. At the said first election there shall be elected in each ward three aldermen, one of whom shall hold said office until the second Tuesday of April, A. D. eighteen hundred and sixty-nine, one until the second Tuesday of

Number of aldermen in each ward—term of office.

April, A. D. eighteen hundred and seventy, and one until the second Tuesday of April A. D. eighteen hundred and seventy-one, and at the first meeting of said council the respective terms of each shall be designated by lot.

No informality shall invalidate said election.

SEC. 9. No informality or irregularity in making or printing of the notices of said first election, nor a failure to give notice of said first election, or to prepare the poll lists or appoint judges for the same as herein prescribed, shall in any way invalidate said election: *Provided*, That on the day of election the regulations governing elections are substantially complied with.

Repeal of inconsistent acts.

SEC. 10. All acts and parts of acts conflicting or inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 11. This act shall be deemed a public act, and shall take effect from and after its ratification or adoption by a majority of the voters, voting at the first election hereinbefore prescribed.

Approved March 6, 1868.

CHAPTER XXVIII.

An Act to reduce the act incorporating the town of Saint Cloud, and to repeal a former charter of said town, approved March eighth, one thousand eight hundred and sixty-two, and the several acts amendatory thereto to one act, and to amend the same, and to incorporate the city of Saint Cloud.

March 6, 1868.

CHAPTER I.

- SECTION 1. The several acts incorporating the Town of St. Cloud reduced to one act.
2. Boundary lines of the City of St. Cloud.
 3. Divided into four Wards—names of Wards—boundary lines of each Ward.

CHAPTER II.

ELECTIVE OFFICERS AND ELECTIONS.

- SECTION 1. When annual election to be held—length of time the polls to be kept open—notice to be given.